



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/730,492
Filing Date: 12/8/03
Applicant: Hung M. Pham et al
Group Art Unit: 3744
Examiner: Huseyin Koca
Title: Cooling System with Variable Duty Cycle Capacity Control
Attorney Docket: 0315-00451/COL

Director of The United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

The Examiner's Statement of Reasons for Allowance is respectfully traversed. Reasons for allowance are only warranted in instances in which "the record of the prosecution as a whole does not make clear [the Examiner's] reasons for allowing a claim or claims." 37 C.F.R. 1.104 (e). In the present case, Applicants believe the record as a whole makes clear the reasons for allowance and therefore no statement by the Examiner is necessary or warranted, especially since the statement may unfairly focus on certain reasons for allowance that are not reflected by the prosecution history. Therefore, the record should reflect that Applicants do not necessarily agree with each

statement in the reasons for allowance and specifically disagrees with the narrow characterization of Applicants' claimed invention.

More specifically, while Applicants believe that each of the claims are patentably distinct over the prior art, Applicants submit that patentability does not reside solely in the combination of features identified in the Examiner's reasons, or that each feature or combination of features identified therein is required for patentability, or that equivalents of any of the recited features are outside the scope of the claims. Each and every allowed claim is novel and nonobvious due to the combination of elements contained therein and not due to any single element. Thus, every element should be interpreted as broadly as claimed with all equivalents. Moreover, to the extent the reasons for allowance do not separately address the subject matter of each claim, Applicants submit that the failure to address each claim does not infer that the subject matter thereof fails to present other reasons for allowance apart from those specifically stated by the Examiner.

Respectfully submitted,

Dated: January 22, 2008

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